

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

D.V.D, <i>et al.</i>	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL NO.: 2:25-cv-10676-BEM
	:	
U.S. Department of Homeland Security, <i>et al.</i>	:	
	:	
Defendants.	:	
	:	

DECLARATION OF BRIAN ORTEGA

I, Brian Ortega, declare the following under 28 U.S.C. § 1746, and state that under penalty of perjury the following is true and correct to the best of my knowledge and belief:

1. I am employed by U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), as the Assistant Field Office Director (AFOD) for the ERO Phoenix Field Office. I have held this position since January 2022. Included in my official duties as an AFOD in the ERO Phoenix Field Office is the responsibility of assisting in and the managing, monitoring, scheduling, and executing removal orders for aliens in ICE custody at the Eloy Detention Center in Eloy, Arizona.

2. I provide this declaration based on information provided to me in my official capacity, reasonable inquiry, and information obtained from various records, systems, databases, other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.
3. I am aware of the above captioned litigation. While preparing this declaration, I reviewed information contained in the official records and databases maintained by ICE regarding the immigration and custody status of the named Plaintiff (O.C.G.).
4. On March 25, 2025, I signed a declaration that stated: “On or about February 21, 2025, prior to O.C.G being removed to Mexico, ERO verbally asked O.C.G. if he was afraid of being returned to Mexico. At this time, O.C.G. stated he was not afraid of returning to Mexico.” ECF No. 31-1 at ¶ 13.
5. This statement was based on ICE’s ENFORCE Alien Removal Module¹ entries indicating that O.C.G. did not fear return to Mexico. *See* Ex. 1.
6. Upon further investigation conducted pursuant to the Court’s discovery order, ICE was unable to identify an officer or officers who asked O.C.G. if he feared a return to Mexico.
7. At the time I signed my declaration on May 25, 2025, I believed the EARM

¹ ICE’s ENFORCE Alien Removal Module (EARM) is a software tool that provides an integrated and comprehensive view of an alien’s detention and removal status. The software permits staff to place comments into each alien’s record regarding the status of their case, any court updates, or other relevant case information.

entries to be accurate.

I declare, under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief, as of the time of signature.

Executed this 16th day of May, 2025.

BRIAN A ORTEGA Digitally signed by BRIAN A
ORTEGA
Date: 2025.05.16 14:40:40 -07'00'

Brian Ortega
Assistant Field Office Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

Exhibit 1

Person ID: [REDACTED] Sex: M DOB: [REDACTED] Current Age: [REDACTED] COB: GUATE COC: GUATE

Subject ID: [REDACTED] Processing Disposition: REINSTATEMENT OF DEPORT ORDER I-871

Case #: [REDACTED] Case Category: [16] Docket: EAZ - Closed Docket

Final Order of Removal: Yes
Final Order Date: 05/06/2024
Proceed With Removal: Yes
Days Final Order in Effect: 296

Time in Custody: N/A
Depart / Cleared Status: 8-Excluded/Remov

Special Class:



Detention History

Final Order of Removal

Comments

FILTER BY COMMENT TYPE

☒ EARM

☒ EADM

☒ ATD

FILTER BY ENTERED DATE

-- All Dates --

SHOW / HIDE DELETED COMMENTS

☒ Show Deleted Comments

All of the following comments are related to Case # [REDACTED]
Results: 25 total

[illegible]

Comment Type Legend

EARM: Case comments entered in the EARM system.
EADM: Detention comments entered in the EADM system.
ATD: Alternatives to Detention comments entered in the EARM system.